

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

WALTER S. CUMMINGS

PLAINTIFF

V.

CAUSE NO.: 1:06CV-109-WAP-JAD

MEDTRONIC, INC.

DEFENDANT

ORDER STAYING ALL PROCEEDINGS

THIS MATTER is before the Court on the Defendant's request that the Court stay all proceedings in this matter, including but not limited to the Case Management Conference, pending the MDL Panel's transfer decision.

The power of this Court to "stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). The Court finds that Plaintiff will not be unduly prejudiced if all proceedings in this Court are stayed pending a decision by the JPML as to the transferability of this case. The Court additionally finds that staying all proceedings in this case will serve the interests of judicial economy. Therefore, the Court will exercise its discretion and stay all proceedings in this case pending a decision by the JPML.

IT IS THEREFORE ORDERED that all proceedings in this case are hereby stayed until the Judicial Panel on Multidistrict Litigation makes its final determination as to whether this case will be transferred for coordinated pretrial proceedings.

IT IS FURTHER ORDERED that the parties are to inform the Court of the decision rendered by the JPML within five (5) days of their receipt of that decision.

SO ORDERED, this the 25th day of May, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE